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EXAMINER
BROWN, RUEBEN M

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Please find below and/or attached an Office communication concerning this application or proceeding.

PRH

Office Action Summary	Application No. 09/091,510	Applicant(s) Townsend, et al
	Examiner Reuben Brown	Art Unit 2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Aug 15, 2002*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1, 3-8, 10-33, 35-45, 59, 60, and 65-68* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 3-8, 10-33, 35-45, 59, 60, and 65-68* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. The finality of the Office Action mailed 3/15/2002 is withdrawn. Applicant's arguments filed 8/15/2002 have been fully considered but they are not persuasive. Applicant asserts on page 4, 2nd paragraph that in Throckmorton, "there is no disclosure of a processor responsive to stored information data to output for display data derived from image data and information data and representing an interactive image". Examiner respectfully disagrees with applicant's assertion.

The independent claims recite separating image data and the information data, which reads on Throckmorton, (col. 6, lines 50-63). Examiner points out that in Throckmorton the associated data includes both image data and information data, col. 6, lines 58-63. The associated data includes image data & information data and is stored in memory at the receiver, see col. 4, lines 21-27 & col. 6, lines 50-68; col. 7 line 65. It is disclosed that the image data may at least include HTML, GIF and JPEG type data (col. 3, lines 55-67), whereas the information data includes control commands, executed by the microprocessor 38 (col. 6, lines 54-63) that direct the instant microprocessor 38 as to when to retrieve the instant image data, see col. 7, lines 21-25.

The claimed information data reads on the script that is used by the real-time trigger 76, which controls the delivery and display of the image data, see col. 4, lines 58-65; col. 5, lines 14-18 & col. 6, lines 62-63. Thus the claimed feature of displaying interactive image data, responsive to stored information data is met by Throckmorton, including col. 7, lines 21-24.

Throckmorton discusses that the creation process [of the associated data], "typically uses commercially available software and hardware that output industry standard file formats such as HTML for text and graphic layout, GIF and JPEG formats for still images, and so forth", col. 3, lines 61-67. Furthermore, at the time the invention was made, it was very well known that HTML documents and/or web pages supported the transmission of video clips, using MPEG or some other industry known compression/decompression algorithm. For instance, Higley teaches that the HTML format provides for mingling of text, graphics, video and hypertext links...", col. 1, lines 25-31. Furthermore, Fawcett teaches that MPEG video files may be embedded/encoded within HTML documents, col. 3, line 67 thru col. 4, lines 1-4 and col. 15, lines 10-13.

Applicant requests evidence to support the assertion made in the previous Office Action, that "it was well known in the art for a user of a network data terminal to utilize a GUI image in order to activate a modem to establish communication with a remote site". Examiner points to the Green reference, which is already relied upon to teach the claimed feature. In particular, Green teaches that once the user interactively completes a list of desired items, the user selects the

"ORDER" icon 72, (Fig. 5). Responsive to the user's activation of the "ORDER" icon 72, the data terminal initiates communication between the DPU 10 and the DFTC 12, col. 10, lines 18-25 & col. 12, lines 57-67. This feature reads on the claimed subject matter.

Applicant also requests a motivation to combine Throckmorton, Green & Aker. Throckmorton teaches the transmission and delivery of multimedia data to a customer's entertainment equipment. The multimedia may include audio, video, Internet data, and other types of visual data. The multimedia data may be transmitted over a variety of transmission media such as cable, PSTN, ISDN, etc. see col. 4, lines 15-25 & col. 8, lines 53-67 and furthermore the end user may be connected to the above cited transmission media using a modem. One of ordinary skill in the art at the time the invention was made, would have readily recognized the benefit of an icon, (i.e. user selectable item), which upon activation by the end user establishes communication with the Internet so that desired image data my be received. Thus it would have been obvious to combine Throckmorton with Green, for the known proposition of a more user friendly interface.

As for Aker, this disclosure is from a reference manual discussing numerous aspects of graphical user interface technology. Akers makes clear that in the art of GUI, it is desirable to notify or inform the user when a selection has been made of a radio button or menu item. Thus it is taught that by using such techniques as highlighting, darkening or otherwise, the end user is

notified of the instant item that has been selected. Therefore, the combination of Throckmorton, Green and Aker are deemed proper.

On page 6, 2nd paragraph, applicant requests evidence to support the Official Notice taken with respect to claims 18 & 41, that "at the time the invention was made, it was well known in the art to generate image data with a specific size or resolution". Fig. 1 & Fig. 2 of Cina disclose a well established model in the graphical user interface art, also see col. 1, lies 15-60. It is shown that a presentation space 1, of a particular dimension that is larger than a window 2 may be presented within the window 2. This is accomplished using scrolling technique, which enables the user to interact with the image to view any desirable portion of the presentation space 1, at a particular time. The disclosure of Cina reads on the claimed subject matter and the rejection is maintained.

On page 6, 3rd paragraph, applicant requests evidence to support the Official Notice taken with respect to claims 23-27, that " at the time the invention was made, it was well known to issue consumers credit cards from financial institutions". Examiner points to several references that teach using smart cards issued from financial institutions within a CATV system. Nemirosky teaches a smart card for purchasing items in a CATV system such that one or more financial institutions issue credit on a smart card for a particular consumer, see col. 1, lines 15-50 & col. 4, lines 50-55. Schutte also discusses smart card technology, wherein the smart card is used for

purchases in a CATV system, col. 4, lines 50-67. Schutte furthermore discusses the use of a card reader 44, see Fig. 1 & col. 4, lines 50-55. Finally, Chen discusses the use credit cards issued as smart cards, so that consumers may purchase items over the Internet, Abstract; col. 3, lines 5-40 & col. 5, line 29-33.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3-4, 6-8, 10-14, 16-30, 32-33, 35-37, 39-45, 66 & 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Throckmorton (U.S. Pat # 5,818,441), in view of Green, (U.S. Pat # 5,664,110) and Aker, (The Macintosh Companion).

Considering amended claims 1 & 28, the amended claimed receiver and method for receiving broadcast TV signals representing both image data and information data, the receiver comprising a decoder for separating image data from information data, is met by the decoder 58 of Throckmorton. The instant reference teaches that both a primary data stream, i.e. video data and an associated data stream, i.e. graphics, text, URL, etc. may be transmitted to and decoded by a user's network terminal receiver 34, and decoder 58, (Fig. 2; Fig. 3; col. 6, lines 4-58).

The claimed receiver for receiving broadcast digital TV signals representing both image data and information data reads on the operation of the end user equipment in Throckmorton, which may receive TV data over an analog or digital transmission medium, see col. 6, lines 4-15.

The claimed image data is broad enough to read on the image data included in associated data as disclosed by Throckmorton, col. 3, lines 55-67. It is discloses that the associated data may at least be created using software packages for the following file formats, HTML, JPEG, GIF and so forth, which clearly reads on the claimed image data.

The claimed information data reads on the script used by the real-time trigger 76, which controls the display of the associated data at a specific points in time, (col. 4, lines 58-61 & col. 7, lines 20-25). The script is transmitted within the associated data to the end user's equipment. The claimed store for storing the received information data is met by Throckmorton, col. 7, lines 30-

35 & col. 7, lines 65-67. The claimed processor responsive to stored information data to output for display data derived from the image data, such that the image data represents an interactive image reads on the operation of Throckmorton, which teaches that the user is enabled to interact with URL's on web pages, which may have been stored on the user's network terminal, (col. 9, lines 1-25). The claimed processor reads on the operation of the local data manager 84, col. 7, lines 37-44, which retrieves image data from the local data storage 80 upon reception of appropriate commands from the real time trigger 76.

The claimed modem for establishing a telecommunications link to a server is met by the disclosure of Throckmorton, which teaches that a modem may be used to transmit interactive and/or control data over a PSTN medium, even though the receiver may also receive video data, (col. 4, lines 6, lines 65-67 and col. 7, lines 1-2; col. 8, lines 15-24).

Thus the amended claimed feature of transmitting on-line data to and from a remote site, using a modem is met by the teachings of Throckmorton, col. 8, lines 52-67. However, Throckmorton does not teach that the establishment of the connection by the modem is the result of received commands to vary an interactive image. Nevertheless, at the time the invention was made, it was well known in the art to for a user of a network data terminal device to utilize a GUI image in order to activate a modem and establish communication with a remote site, in fact an alternative of such a feature might be for the user to have to somehow interact with a physical

button/switch on the instant network data terminal device, in order to establish communication which would have been very cumbersome, which in general may be inefficient use of well known software technology.

In an improvement, Green (col. 4, lines 41-65; col. 10, lines 18-28; col. 12, lines 57-67) provides a disclosure of an interactive system, wherein the user manipulates and ORDER button, 62 or 72 (Fig. 3; Fig. 5), which causes the network data terminal device, DPU 10 to establish communication with a central database, DFTC 12. Green teaches that the invention is applicable for use by PSTN, wired, wireless, or CATV networks, and thus its combination with Throckmorton is proper. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Throckmorton, with the well known technique of utilizing a GUI in order to activate a modem to establish a telecommunications link as taught by Green, at least for the desirable advantage of enabling the user to establish the link with respect to any particular corresponding application which requires such a link, efficiently utilizing the same software application which the user may already be interacting with in order communicate over time with the remote site.

As for the specifically claimed feature of varying an interactive image, responsive to received command, at the time the invention was made, it was notoriously well known in the art of GUI technology to change the display of an icon that has been selected, thereby providing

conspicuous notification to the user that the icon has been selected. As an example, Aker teaches that when an icon, or button is selected, it would be advantageous to vary the image by drawing a border around the selected icon, changing its color, or shading the icon, (pages 64-65, 80 & 88-89). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Throckmorton & Green, with the technique of varying the display of a selected icon or button, for the desirable improvement of more positively notifying the user which icon or button has been selected, as taught by Aker.

Considering amended claim 3, see Throckmorton, col. 6, lines 54-63. The claimed program data is broad enough to read on executable computer programs, which are disclosed as 'control commands' in Throckmorton.

Considering amended claim 4, see Throckmorton, col. 7, lines 13-30, which teaches that the end user, through a human interface device, may request for various data to be displayed.

Considering amended claim 6, the instant claim recites that the image data comprises video image data. Examiner points out that video image data is broad enough to read on a single frame, i.e. still frame of a video sequence. Since Throckmorton discloses that the image data includes at least still images, the instant recited limitation is met by the reference.

As for the claimed converter for converting the image data into data representing a video image for display in the interactive image, such a converter is necessarily included in the Internet browser of Throckmorton, since it at least converts GIF & JPEG images, also see col. 4, lines 24-33 & col. 7, lines 35-44.

Considering claim 7-8, see Throckmorton, col. 7, lines 15-20.

Considering claim 10, see Throckmorton, col. 8, lines 54-67.

Considering claims, 11, 12, 13 & 16, the claimed subject matter reads on Throckmorton disclosure of a user interacting with Web pages, col. 7, lines 12-20 & col. 8, lines 1-15.

Considering claims 14, 17, 37, 40, 66 & 68, at the time the invention was made, it was very well known in the art that WWW browsers, such as disclosed by Throckmorton provide for displaying a plurality of interactive screens/windows, including in a hierarchical arrangement. The hierarchical order depends upon which screen/window is active, i.e. on top, and is generally determined by the placement of the end user's cursor within a particular screen/window.

Considering claims 18 & 41, Official Notice is taken that at the time the invention was made, it was well known in the art to generate image data with a specific size or resolution. It

would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Throckmorton with the well known technique of predetermined screen or image size, at least for the desirable benefit of generating the image to fit a particular target display size.

Considering claims 19-22 & 42-45, it would have been obvious for one ordinary skill in the art to provide for movement of a portion interactive image, at least for the desirable benefit of more dramatically indicating to the user, the past interactions.

Considering claims 23-27, Green discusses the use of smart-card technology to restrict access to certain to only the authorized users, (col. 5, lines 22-62; col. 10, lines 34-52) and to facilitate the transmission of user ID information, without requiring the user to enter such information at keyboard for each transaction. Official Notice is taken that at the time the invention was made, it was well known to issue consumers, credit cards from financial institutions. For instance, it would have been obvious to include a means for reading credit cards from financial institutions, which would have been an advantage since there are such a high number of consumers which carry such cards, therefore the majority of the consumers could use the system right away, without having to wait for a purchase card to be sent from each individual merchant with which the user desires to shop. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify the combination of Throckmorton &

Green to include any number of card readers, at least depending upon the various types of cards which may be processed.

Considering claims 29-30 & 35-36, see Throckmorton, col. 3, lines 58-65 & col. 7, lines 12-35, which teaches that the associated data are displayed according to a script, and that the user is enabled to interact with the associated data.

Considering claims 32-33, the associated data in Throckmorton is displayed along with video data, including interactive data.

Considering claim 39, Throckmorton teaches that the on-line data may includes pointers to other on-line data, as well as to other content stored at the terminal, col. 9, lines 12-25.

4. Claims 5, 15, 31, 38, 65 & 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Throckmorton, Green & Aker and further in view of Hendricks, (WO 94/14284).

Regarding claims 5, 15, 31 & 38, Throckmorton fails to specifically disclose stored information data comprising template data and a processor to construct the data representing the interactive image from received information data and the stored template data. However,

Hendricks teaches a reprogrammable terminal for suggesting programs offered on a television program delivery system comprising reprogrammable software stored in memory and processed by the processor for generating and changing menu formats, templates, logos, colors of the display (page 4, lines 15-27 and pages 19-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Throckmorton by the teachings of Hendricks so that the look and feel of the system can accommodate and perform useful functions created by other manufacturers. Also storing template data on the local receiver, reduces the need for the instant local receiver to retrieve more of the data required by the user over the network, thereby causing the user to receive information faster, and without unnecessary network delay.

Considering claims 65 & 67, Hendricks discloses plural interactive screens (Fig. 8; Figs. 11A-11E).

5. Claims 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Throckmorton, Green & Aker, as applied to claim 1, and further in view of Vlahos, (U.S. Pat # 5,907,315).

Considering claims 59 & 60, the instant claim recites that the interactive image includes a background image comprises a portion having a subject that corresponds with the subject of

background of the preview picture, so that it appears that the background and the preview picture form a single continuous interactive image. Even though Throckmorton does not discuss the specifics of combining images, at the time the invention was made, numerous techniques were very well known in the art for combining images in such a way, as to make the composition aesthetically pleasing to the viewer. In particular Vlahos is directed to combining a main image with a background image, such that the best possible composite image is produced, Abstract; col. 1, lines 65-67 thru col. 2, line 4.

The instant reference teaches insertion of a picture (foreground), within a background, col. 1, lines 10-18. Vlahos overcomes the known problem of composition of pictures on a background, see col. 1, lines 30-55 & col. 3, lines 1-15. Moreover, Vlahos discusses several instances wherein the subject of the background corresponds with the subject of the background of the foreground, see col. 11, lines 9-13 & col. 13, lines 12-1. Algorithm are used, which matches the background with a background of a foreground picture, using a variety of parameters, in order to obtain the best possible balance, i.e., meshing of the images, see Abstract; col. 4, lines 42-50; col. 5, lines 52-57& col. 10, lines 32-55. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Throckmorton with techniques of image composition, at least for the desirable benefit of overcoming well known problems combining foreground and background images, as taught by Vlahos, col. 1, lines 10-45.

Conclusion

6. The prior art made of record is considered pertinent to applicant's disclosure.

A) Higley Teaches that video files may be included within an HTML document.

B) Fawcett Teaches MPEG video files may be embedded within an HTML document, col. 3, lines 65-67 thru col. 4, lines 1-3 & col. 15, lines 5-15.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this action should be mailed to:

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or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399. The examiner can normally be reached on Monday thru Friday from 830am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

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